

C. Although Portions of Mr. Marceca's Testimony Before Congress Were False and Misleading, the Independent Counsel Concluded That Prosecution Was Unwarranted.

Finally, the investigative mandate presented the allegation of whether Mr. Marceca testified truthfully and completely before Congress. The gravamen of this allegation is that, when questioned by Congress, Mr. Marceca knowingly testified falsely when he denied the true nature of his actions in requesting FBI background reports and his subsequent handling of them, thereby wilfully impeding the legitimate investigative authority of the Congress.

The Independent Counsel had declined to prosecute Mr. Marceca for perjury or false statements because, on the central issue of whether he or anyone else had targeted Republicans and requested that the FBI produce their confidential background reports, Mr. Marceca was truthful: Neither he nor anyone else had done so. To ensure the full disclosure of any evidence regarding this issue, after deciding not to prosecute Mr. Marceca, the OIC granted Mr. Marceca immunity. Mr. Marceca's immunized testimony confirmed both the absence of any conspiracy to obtain the background reports and that his testimony in Congress had not been truthful in all respects.

In essence, the Independent Counsel concluded that Mr. Marceca's false statements to Congress bore an insubstantial relationship to the question at the core of this investigation: whether his conduct was evidence that senior White House